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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF DENTISTRY

IN THE MATTER OF THE SUSPENSION  
OR REVOCATION OF THE LICENSE OF

Administrative Action

**JOHN KALLIS, D.M.D.**  
**License No. 22DI015447200**

**ORDER DENYING APPLICATION  
TO MODIFY ORDER OF  
TEMPORARY SUSPENSION**

TO PRACTICE DENTISTRY  
IN THE STATE OF NEW JERSEY

At its meeting on December 3, 2008, the New Jersey State Board of Dentistry considered the application of John Kallis, D.M.D., to modify the order of temporary suspension of his license, a copy of which is attached here, and permit him to return to practice with restrictions. This latest application, the third submitted since the Board took imposed a temporary suspension following a hearing on March 19, 2008, is denied.<sup>1</sup>

The Board is constrained to review briefly the information and evidence presented at the hearing regarding the temporary suspension application in March. At that time, Dr. Kallis, vigorously contested the allegations of the Verified Complaint through documentary and testimonial evidence and arguments of counsel. The allegations include prescribing thousands of dosage units of controlled dangerous

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<sup>1</sup> Dr. Kallis filed a motion for leave to appeal from the Board's order of temporary suspension shortly after it was entered, but withdrew that motion prior to disposition by the Appellate Division.

substances without a valid medical or dental purpose, without creating or maintaining a patient record, and in some instances, by using names of other individuals, who may or may not have been patients, and using another licensee's prescription blanks.

Witnesses for Dr. Kallis at the hearing included his partner in the oral surgery practice; his wife, also a dentist; a private investigator; and a general practitioner who has referred patients to Dr. Kallis for treatment. Also submitted on his behalf were certifications from employees in his practice, from a handwriting expert, and from his counsel, attaching a transcript of a domestic violence hearing at which Dr. Kallis had testified as a witness.

The Board, after full consideration of the evidence, found that the Attorney General had met the heightened standard for granting the relief sought by the State as required by N.J.S.A. 45:1-22: Dr. Kallis's continued practice palpably demonstrated a clear and imminent danger to the public health, safety, and welfare. The Board found Dr. Kallis's judgment to be so profoundly deficient, he could not be trusted to continue practicing.

Dr. Kallis now asks for relief from the suspension imposed by the Board's order. The Board has fully considered the materials submitted: his counsel's letter of November 17, 2008, attaching the order of the Superior Court of New Jersey, Bergen County, Law Division (Criminal), permitting Dr. Kallis to enter into the Pre-Trial Intervention Program (PTI); her letter of November 20, 2008, seeking relief in light of Dr. Kallis's admission into the PTI program; and her letter of November 25, 2008, urging the Board to grant the request to modify its order as the scheduled hearing dates

(December 2008 and January 2009) have been adjourned. In addition, the Board considered the November 26, 2008, letter from the prosecuting deputy attorney general, urging the Board not to grant the requested relief, as well as the December 1, 2008 letter of Dr. Kallis's co-counsel setting forth his arguments regarding the allegations of the Verified Complaint and expected proofs to be submitted in support of and in defense of those allegations. The Board also took note of information and materials provided in earlier submissions seeking modification of the Order of Temporary Suspension. Those include proof of continuing education in appropriate prescribing practices and an ethics course completed by Dr. Kallis, a letter from a practitioner offering an opinion on Dr. Kallis's prescribing activities, a report from the Professional Assistance Program indicating that based on its evaluation, Dr. Kallis does not suffer from a substance abuse problem, a list of suggested monitoring conditions, and arguments of counsel.

The Board regrets that the scheduled hearing dates have been adjourned by the administrative law judge, and through no fault of the parties, and urges counsel to move for an expedited hearing in this matter. Counsel have advised the Board that the urgency of the matter has been transmitted to the Office of Administrative Law. There is no question that a suspension of license pending a plenary hearing is a very significant sanction and the Board has not lightly continued the suspension it imposed on Dr. Kallis in its order of March 26, 2008. But as the Board noted in that order (see discussion at pp. 14-20), Dr. Kallis's conduct (including issuing more than 130 prescriptions totaling over 4000 dosage units for narcotics to persons for whom he has

no records or woefully inadequate records, or, assuming they are not fictitious individuals, persons whom he did not examine at all, as well as failing to exercise control over office practices (highly addictive controlled dangerous substances being removed -whether mistakenly or not - and writing prescriptions for CDS on a colleague's prescription pad - whether mistakenly or not)), was viewed by the Board as compelling evidence of poor judgment and poor practice that would clearly place patients and the public at risk of imminent danger.

The submissions proffered since the entry of that order have not altered the Board's conclusion. Taking courses in prescribing practices and ethics, while positive, does not persuade the Board that the underlying, gross deficiency in professional judgment and responsibility has been addressed. In addition, it appears that Dr. Kallis's counsel is attempting to try before the Board, on paper, the very case that the Board concluded required a plenary hearing before the Office of Administrative Law. The argument of Dr. Kallis's counsel that the Board should modify its order of suspension because W.S., the person for whom many of the prescriptions were written, is less than credible was made forcefully at the hearing on the temporary suspension. And the Board then concluded that the evidence introduced, even assuming W.S. may not be credible, was overwhelming evidence that Dr. Kallis had failed to meet the most basic standard of care for dental practitioners in this State. Even considering the materials that have been submitted with previous applications for removal of the temporary suspension, there is nothing in the record that satisfactorily answers the Board's questions as to Dr. Kallis's rationale or motivation for repeatedly

writing prescriptions for narcotics for W.S. and others.

Moreover, while recognizing that Dr. Kallis has been admitted into PTI, the Board, in evaluating conduct of its licensee and deciding whether that licensee may practice with the skill and safety required to ensure the public health, safety and welfare, may look at the conduct underlying the criminal allegations and is not bound by the actions of a criminal prosecutor or a Superior Court Judge in the decision to permit a criminal defendant into a Pre Trial Intervention Program. If there is a transcript of the colloquy from the proceeding permitting Dr. Kallis to enter PTI or a report prepared in connection with that application, it has not been provided to the Board. The Board has been advised only that Dr. Kallis made no admissions in connection with his acceptance into the program.

Given the seriousness of the findings of the Board on the application for temporary suspension, in particular his gross lapses of judgment and deficiencies in practice as detailed in the Board's order of March 26, 2008, the Board at this juncture is unable to craft an alternative to his continued temporary suspension. The Board has determined that Dr. Kallis's return to practice would continue to present a clear and imminent danger to the public. The submissions on his behalf have not persuaded the Board that a return to practice - even with restrictions - would remove the danger.


It is the Board's understanding that Dr. Kallis is prepared to testify at the plenary hearing regarding the allegations of the Verified Complaint. Because the Board is unable to reconcile Dr. Kallis's conduct, including the documentary evidence of massive prescribing of controlled dangerous substances, with the assertion that Dr.

Kallis is safe to practice, it is constrained to await the initial findings of fact and conclusions of law of the administrative law judge. As noted above, the Board urges the parties to seek an expedited hearing in this matter so that the Board is able to review the record compiled and evaluate all the evidence, in determining an appropriate final disposition of this very serious matter.

THEREFORE, IT IS ON THIS 12<sup>th</sup> DAY OF DECEMBER, 2008,

ORDERED that the application of respondent to lift the temporary suspension and return to practice with restrictions, is denied.

NEW JERSEY STATE BOARD OF DENTISTRY

By:   
Alexander Hall, D.M.D.  
Board President